

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application No. 10/523,153)	
)	
Filed:	October 6, 2005)	Confirmation No.: 8686
)	
Applicant:	Nicholas Rowland Bird et al.)	
)	This Response was electronically filed on
Title:	BULK COMMUNICATIONS PROCESS)	October 13, 2009 using the USPTO's EFS-
	USING MULTIPLE DELIVERY MEDIA)	Web.
)	
Art Unit:	2625)	
)	
Examiner:	Chan S. PARK)	
)	
)	
Docket No.:	8413-83950)	
)	
Customer No.:	22242)	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed April 13, 2009, the time for response having been extended by payment of 3-months extension fee concurrently herewith, Applicant respectfully submits the following amendment and response.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

AMENDMENT TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in this application.

Listing of Claims:

1. (Currently Amended) A computer implemented method for bulk communication of information to recipients via multiple delivery media including facsimile, email, ~~surface mail~~, and SMS messaging, said method including the steps of:

~~receiving via a single interface and processing~~ information for distribution including information regarding recipients and including information on the recipients' delivery preferences; and

~~transmitting at least one document based on said received information using a specified one of said delivery media for each of said recipients based on said recipients' delivery preferences~~

forming a plurality of documents from information for distribution by merging the information for distribution with a template document specific to a delivery media, wherein a different template document is used for each delivery media,

bundling the plurality of documents together into a plurality of bundles, each bundle containing a plurality of documents and each bundle formed of documents to be delivered over a specified delivery media of the multiple delivery media, wherein the specified delivery media is determined based on the recipients' delivery preferences;

transmitting the plurality of bundles;

receiving and processing a report for each bundle of the plurality of bundles indicating whether transmission of documents in the bundle over said specified delivery media has failed; and

escalating transmission of the plurality of documents using a different delivery media of the multiple delivery media for each of said recipients for whom

transmission by said specified delivery media has failed, wherein the different delivery media is determined based on the recipients' delivery preferences.

2. (Cancelled)

3. (Currently Amended) The method according to claim 1, wherein said received information includes ~~one~~ two or more said template documents ~~and data specific to each recipient.~~

4. (Cancelled)

5. (Cancelled)

6. (Cancelled)

7. (Currently Amended) The method according to claim ~~[[2]]~~ 1, further including the steps of:

converting said ~~at least one document~~ plurality of documents into a format suitable for said specified one or different one of delivery media for each recipient; and

sending said formatted documents to a carrier for transmission using said specified one or said different one of said delivery media,

wherein said report indicating whether said plurality of documents transmitted by said specified delivery media has failed is received from the carrier.

8. (Cancelled)

9. (Cancelled)

10. (Original) The method according to claim 1, wherein said delivery media includes archiving.

11. (Currently Amended) The method according to claim 1, wherein said delivery media includes one or more new delivery media types.

12. (Currently Amended) A system for bulk communication of information to recipients via multiple delivery media including facsimile, email, ~~surface mail~~, and SMS messaging, said system including:

~~a single interface~~ means for receiving information for distribution including and processing information regarding recipients and including information on recipients' delivery preferences; and

means for forming a plurality of documents from information for distribution by merging the information for distribution with a template document specific to each delivery media, wherein a different template document is used for each delivery media of said multiple delivery media;

means for bundling the plurality of documents together into a plurality of bundles, each bundle formed of plurality of documents to be delivered over a specified delivery media, wherein the specified delivery media is determined based on the recipients' delivery preferences;

~~means for transmitting at least one document based on said received information using a specified one of said delivery media for each of said recipients based on said recipients' delivery preferences~~ a plurality of documents;

wherein the means for bundling forms a bundle of plurality of documents together to be sent over the same delivery media and provides the bundled plurality of

documents to the means for transmitting, and wherein the means for transmitting includes means for transmitting the bundled plurality of documents;

means for receiving and processing a report for each said bundle indicating whether transmission of documents in the bundle over said specified delivery media has failed; and

means for escalating transmission of said plurality of documents using a different delivery media of the multiple delivery media for each of the recipients for whom transmission by said specified delivery media has failed, wherein the different delivery media is determined based on said recipients' delivery preferences.

13. (Cancelled)

14. (Currently Amended) The system according to claim 12, wherein said received information includes ~~one~~ two or more template documents and data specific to each recipient one that is specific to the specified one of said delivery media and another that is specific to the different one of said delivery media.

15. - 20. (Cancelled)

21. (Currently Amended) The system according to claim 12, wherein said one of said multiple delivery media ~~includes archiving~~ is an archive.

22. (Currently Amended) The system according to claim 12, wherein said delivery media includes one or more new delivery media types.

23. (Currently Amended) A computer program product including a computer

readable medium having a computer program recorded therein for bulk communication of information to recipients via multiple delivery media including facsimile, email, ~~surface mail~~, and SMS messaging, said computer program product including:

computer program code means for receiving via a single interface and processing information for distribution including information regarding recipients and including information on the recipients' delivery preferences; and

computer program code means forming a plurality of documents from the information for distribution by merging information for distribution with a template document specific to the delivery media, wherein a different template document is used for each delivery media;

computer program code means for bundling the plurality of documents together into a plurality of bundles, each bundle formed of documents to be delivered over a specified delivery media of said multiple delivery media, wherein the specified delivery media is determined based on the recipients' delivery preferences;

computer program code means for transmitting at least one document based on said received information using a specified one of said delivery media for each of said recipients based on said recipients' delivery preferences the plurality of bundles; and

computer program code means for escalating transmission of said plurality of documents using a different delivery media of said multiple delivery media for each of said recipients for whom transmission by the specified delivery media has failed, wherein the different delivery media is determined based on said recipients' delivery preferences.

24. (Cancelled)

25. (Currently Amended) The computer program product according to claim 23, wherein said received information includes ~~one~~ two or more template documents and

data specific to each recipient, one that is specific to the specified delivery media and another that is specific to the different delivery media.

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. (Currently Amended) The computer program product according to claim 24 23, further including:

computer program code means for converting ~~said at least one~~ each document of at least one of the bundles into a first format suitable for said specified ~~one or different one of~~ delivery media for each recipient; and

computer program code means for sending ~~said the~~ formatted documents to a carrier for transmission using said specified ~~one or said different one of said~~ delivery media;

wherein the computer program code means for escalating transmission of said plurality of documents using the different delivery media escalates transmission of a document dependent on a delivery report received from said carrier;

and wherein the computer program product further includes computer program code means for converting each escalated document into a second format suitable for said different delivery media, wherein the second format is different to the first format.

30. (Cancelled)

31. (Cancelled)

32. (Currently Amended) The computer program product according to claim 23, wherein one of said delivery media ~~includes archiving~~ is an archive.

33. (Currently Amended) The computer program product according to claim 23, wherein said delivery media includes one or more new delivery media types.

34. - 36. (Cancelled)

37. (New) The computer-implemented method of claim 1, wherein one of said multiple delivery media is surface mail.

38. (New) The system of claim 12, wherein one of said multiple delivery media is surface mail.

39. (New) The computer program product of claim 23, wherein one of said multiple delivery media is surface mail.

40. (New) The method according to claim 1, wherein the information specific to each recipient is in an XML file and each said template document is an XSL template.

41. (New) The system according to claim 12, wherein the information specific to each recipient is in an XML file and each template document is an XSL template.

42. (New) The computer program product according to claim 23, wherein the information specific to each recipient is in an XML file and each template document is an XSL template.

43. (New) The method of claim 1, wherein the documents are bundled together prior to the step of merging the information specific to the recipient with the template document specific to the delivery media.

44. (New) The system according to claim 12, wherein the means for bundling the plurality of documents together bundles the documents before the information specific to each recipient is merged with the template document.

45. (New) The computer program product according to claim 23, wherein the computer program code means for bundling the plurality of documents together operates before the computer program code means for forming the plurality of documents by merging the information specific to each recipient with the template document.

REMARKS/ARGUMENTS

Responsive to Office action mailed April 13, 2009, Applicants amended the claims as indicated above, and respectfully submit the following:

Rejection under 35 USC § 101:

The examiner rejected claims 1-11 and 34 on the basis that they do not fall within one of the four statutory categories of invention. Applicants amended independent claim 1 to read "a computer-implemented method for bulk communication...". The claim 1 as amended "is tied to another statutory category" because the method is implemented by a computer and therefore overcomes the examiners objection. This feature is supported by the specification, including for example at page 9 lines 89.

Rejection under 35 USC § 112, second paragraph:

The examiner rejected original claims 5, 6, 11, 16, 17, 22, 27, 28 and 33-36 as indefinite. In response:

Claims 34-36 are cancelled.

Claims 5, 16, and 27 are cancelled.

The feature of "merging the information for distribution with a template document specific to the delivery media" in claims 1, 12 and 23 as presently amended clearly describes what two constituents are merged, namely the recipient data and a template document. This feature is described for example, at page 15, line 15 to page 16, line 2 and at page 22, line 25 to page 23, line 20.

Claims 6, 17 and 28 are cancelled.

The features of claims 11, 22 and 33 now incorporate the feature of "multiple delivery media includes one or more new *delivery* media types." Applicants submit that

this clarifies any uncertainty regarding the meaning of media types. This feature is described in the specification at page 12 lines 19-20.

Rejection under 35 USC § 102:

Examiner rejected claims 1, 2, 7-13, 18-24 and 29-36 under 35 USC § 102(e) as anticipated by Linde, US Patent Appl. 2002/0184086.

Claim 1 is amended to add the following features:

escalating transmission of said plurality of documents using a different one of said delivery media for each of one or more of said recipients for whom transmission by said specified delivery media has failed (from original claim 2);

that the documents are formed by merging data and a template (from claims 4-6, this feature is described in the specification at page 12 line 25 to page 13 line 2, page 15, line 15 to page 16, line 2 and at page 22, line 25 to page 23, line 20); and

transmitting a plurality of documents based on said received information using a specified one of said delivery media for each of said recipients, wherein the plurality of documents are bundled together (this feature is described at page 15 lines 17-18; page 62, lines 5-17; page 66 line 9 to page 67 line 14 and page 89 line 25 to page 91 line 18).

Accordingly, the following combination is viewed as inventive:

- 1) Receiving and processing data for documents that can be applied to one of a plurality of templates;
- 2) Merging templates with the data to produce documents and transmitting the documents over a first delivery media;
- 3) Bundling documents together for transmission over a delivery media;
- 4) In the event of delivery failure, merging the data with another template to produce other documents for transmission over a second different delivery media;

5) The selection of the first and second delivery media made in 3) and 4) above is based on the delivery preferences of the recipient.

Amended claim 1 is novel because no prior art document discloses or suggests a combination of the above features 1-5.

Rejection under 35 USC § 103

Examiner rejected claims 3-6 under 35 USC § 103(a) as unpatentable over US patent application 2002/0184086 in view of US patent 6,446,115 to Powers.

Applicants respectfully submit that none of the cited prior art references alone or in combination describe the feature of bundling a plurality of documents together.

The feature of bundling the documents is also inventive; it enables the organization of media delivery into transmission bundles for use by the appropriate carrier for that bundle. The feature is also inventive in combination with the selection of the delivery media made based on the delivery preferences of the recipient. This combination of receiving individual recipient delivery preferences that specify different delivery media (e.g. email, fax, etc.), and then bundling these together according to their delivery media, facilitates bulk communication through bundled processing of documents while still allowing individual delivery preferences to be accommodated.

The features of receiving delivery preferences and bundling documents in combination with the merging process are also inventive and non-obvious. This combination further facilitates bulk communication by:

- A) Allowing a document distributor to specify generic information for inclusion in a variety of different documents for sending over different delivery media;
- B) The delivery preferences specify which delivery media is to be used for a particular document;
- C) The merging process allows the generic information to be placed into a particular document type for delivery over a specified delivery media;

D) The bundling of documents into delivery media bundles allows bulk handling of documents.

Accordingly, processes A) and D) facilitate bulk communication with the various well known advantages in dealing in bulk, while processes B) and C) still allow individual flexibility for delivery to recipients, which is further enhanced by delivering to recipients via an escalated delivery media when delivery fails.

Similar amendments have been made to the other independent claims.

New claims 37-45

New claims 27-39 incorporate the feature "wherein one of said multiple delivery media is surface mail" was taken from original claims 1, 12, and 23 which included the feature "via multiple delivery media including ...surface mail." This feature is described in the specification at page 12 lines 16-18.

The feature, "the data specific to each recipient is in an XML file and each said template document is an XSL template" is incorporated in new claims 41- 43. This feature is described in the specification at page 22 lines 27-30.

New claims 44-46 incorporate the feature "the documents are bundled together prior to the step of merging the data specific to the recipient with a template document specific to the delivery media." This feature is described at page 62 lines 5-12.

Applicant submits that independent claims 1, 12 and 23 as filed and presently amended are both novel and not obvious in view of the prior art since none of the cited references, alone or in combination disclose or suggest the method, system and computer product for bulk communication for information to recipients via multiple delivery media according to the present application.

Since the dependent claims 3, 7, 10-11, 14, 21-22, 25, 29, 32-33 and 37-45 directly or indirectly depend upon claims 1, 12 and 23, they believed to be patentable over the cited prior art.

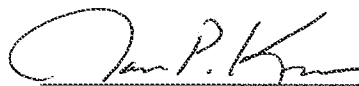
Applicant respectfully submits that since all objections and rejections of record are believed to have been overcome, the application is now in condition for allowance, which allowance is earnestly requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: October 13, 2009



James P. Krueger
Registration No. 35,234

FITCH, EVEN TABIN & FLANNERY
120 South LaSalle Street
Suite 1600
Chicago, Illinois 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007